



GREENWOOD COMMON COUNCIL APRIL 18, 2005 MINUTES

Mayor Charles Henderson called the meeting to order at 7:00 p.m.

The audience recited the Pledge of Allegiance in unison, after which Pastor Steve Schellin of Community Church of Greenwood offered the invocation.

PRESENT:	Council members Bruce Armstrong, Ron Bates, Bill Bless, Ron Deer, John Gibson, Keith Hardin, Jessie Reed; Mayor Henderson; Clerk-Treasurer Jeannine Myers; and City Attorney Shawna Koons-Davis.
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Mr. Bates moved to approve the minutes of the regular session of April 4th, with second by Mr. Bless. Vote: Ayes (Armstrong – Abstain).

The City Attorney had distributed her litigation report. There were no questions from the Council.

Mr. Bates reported on the Planning Commission meeting last Monday. Last Tuesday there was a continuation of the land use meetings sponsored by Leadership Johnson County and Franklin College.

Mr. Gibson announced that Saturday Johnson County Solid Waste is sponsoring disposal of large items such as stoves, refrigerators, etc. from 9:00 a.m. to 4:00 p.m. There will be a drive to pick up syringes and old medications as well.

RESOLUTION No. 05-03 – A Resolution Authorizing a Temporary Loan For the Park Fund (\$215,000) From the Rainy Day Fund. Mr. Deer moved to pass Resolution No. 05-03 on first reading. Second by Mr. Bless. In response to Mr. Bates, Executive Parks Director Evan Springer and Board President Clyde Freshour recounted the cut in the General Fund to fund the 2003 budget and also the projects that are in the works to get the parks ready for summer. There was more discussion of the cash flow problem. Mr. Springer noted that between now and June 30th they project \$490,000 in expenditures. As of April 1st they have \$191,000 in their cash flow, he said, with projected income from the pool and community center of \$70,000 – totaling \$261,000. With this loan, the Parks Department would have \$476,000. That leaves the department \$571,000 of the budget to spend with tax draws of \$558,000 coming in, said Mr. Springer. A budget history was passed out to the Council; this included a thirteen year comparison of part-time / seasonal personnel history, a twelve year comparison of appropriated budgets and a four year comparison of Parks & Recreation Fund Income. The City Attorney cautioned that loan funds needed to be taken out of funds that are unrestricted in what they can be used for. Discussion then focused on the Rainy Day Fund being used for emergencies. The Mayor stressed that the City's draw in June would be larger because of the levy and the City would have a much larger operating balance than in the past. After more discussion, the Mayor suggested that this be passed through first reading, with the Clerk-Treasurer having the opportunity to get the projected figures for the draws. Mr. Hardin requested that information before the next meeting. Vote: Ayes. **PASSED FIRST READING.** Mayor Henderson then asked the City Attorney to get a list of acceptable expenditures for the Cum Cap funds.

RESOLUTION No. 05-04 – A Resolution of the Greenwood Common Council to Amend Greenwood Common Council Resolution Nos. 01-17 “A Resolution Confirming Resolution 01-11 The Declaration of a Certain Area Within the City of Greenwood an Economic Revitalization Area and Qualifying Certain Property and Improvements for Tax Abatement (Precision Investments, LLC) and 01-18 “A Resolution Confirming Resolution 01-12 The Declaration and Approval of Certain Manufacturing Equipment for Property Tax Abatement (Precision Products, Inc)”, to Correct Typographical Errors. Mr. Bates moved to pass Resolution No. 05-04 through second reading. Second by Mr. Hardin. Vote: Ayes. **RESOLUTION No. 05-04 PASSED SECOND READING.**

RESOLUTION No. 05-05 – A Resolution Regarding the Establishment of a Local Option Highway Users Tax for Johnson County, Indiana. Mayor Henderson reported this was pulled as the Johnson County Council at their last meeting voted to not consider a wheel tax for at least one more year. **WITHDRAWN.**

RESOLUTION No. 05-06 – A Resolution Confirming Resolution 05-02 The Declaration of a Certain Area Within the City of Greenwood an Economic Revitalization Area and Qualifying Certain Real Property Improvements for Property Tax Abatement (Greenwood Springs Mediplex, LLC – Lot 6, Block 4, Greenwood Springs Commercial Subdivision). Ms. Koons-Davis had distributed copies of a revised confirmatory resolution, 05-06, because it has an amended SB-1, which the Redevelopment Commission approved at their April 12th meeting. This contains a salary change and language changing the timeframe for construction of the building, originally to be completed by December 31, 2005 and now set to be completed by December 31, 2006. Mr. Bates moved to confirm Resolution No. 05-06. Second by Mr. Deer. Mayor Henderson opened the public hearing. Pat Sherman represented the petitioner. From the audience, Mike Gerrish, a constituent of Councilman Gibson's, spoke in favor of the abatement, saying he was realist enough to know we have to have tax abatements. When no one else spoke, the public hearing was closed. Vote: Ayes – Bless, Deer, Gibson, Hardin, Reed, Bates; Nay – Armstrong. **ADOPTED.**

RESOLUTION No. 05-07 – Resolution Electing to Enlarge Participation in the Public Employees' Retirement Fund. **INTRODUCED.** The City Attorney told the Council that this Resolution is introduced because the Police Chief is not a member of our Police Department and not in the 1977 fund. He is not a member of PERF and is not in their system. Ms. Koons-Davis asked for suspension of the rules, since she had received correspondence from the State saying this resolution must be back to the State by May 2nd (which is the next Council meeting), or Chief Pitcher will not be able to participate until January 1, 2006. Mr. Bates moved to suspend the rules to consider first reading. Second by Mr. Bless. Vote: Ayes. **RULES SUSPENDED.** Mr. Bates moved to pass Resolution No. 05-07 on first reading. Second by Mr. Deer. Counsel explained that this is to add the Chief to the regular employees' PERF as he is not eligible for the Police and Fire Pension, being over 36 years of age when he was appointed. This would apply to any other chief that was not eligible for the 1977 fund. Chief Pitcher was not in the fund when he was with the County, because he was considered a contractor, not an employee. Vote: Ayes – Gibson, Hardin, Reed, Bates, Bless, Deer; Nay – Armstrong. **PASSED FIRST READING.** Mr. Gibson then moved to suspend the rules to consider second reading. Second by Mr. Bates. Vote: Ayes. **RULES SUSPENDED.** Mr. Bates moved to pass Resolution No. 05-07 through second reading. Second by Mr. Gibson. Vote: Ayes – Reed, Bates, Bless, Deer, Gibson, Hardin; Nay – Armstrong. **PASSED SECOND READING.**

ORDINANCE No. 05-07 – An Ordinance Providing For an Additional Appropriation From the Aviation Operating Fund to the Board of Aviation Commissioners For Annual Ditch Tax and Annual Dues (\$1,000). **INTRODUCED.** Bill Jackson, President of the Board of Aviation Commissioners, recounted that Aviation Fund 339 was cut in their 2005 budget. This appropriation is used to pay the annual ditch tax on airport property and annual dues to the Aviation Association of Indiana and the American Association of Aviation Executives. Mr. Jackson stressed that they do not help or hinder the City budget because they are not in the levy. In response to Mr. Bates, Mr. Jackson reported that the airport received a 95/2.5/2.5 match grant of \$1 million to extend the airport runway, which means it will cost the airport about \$26,000 for that project. They will start construction next month.

Under miscellaneous business, Mr. Bless brought up the drive by Pasquale's that goes around to County Line Road, and asked if the City could bring any pressure to get that repaired. Mayor Henderson replied that letters have been sent to property owners in the past, informing them of complaints, and asking that they make repairs.

Mr. Hardin reported that he had had a request to pave Stillwater Court at the same time as Shady Creek. He asked the Director of Operations if that was on the list to be paved. Mr. Gabehart confirmed that Stillwater Court is on the list.

Mr. Bates commended the Planning Director and the Sanitation Department for their work in getting automatic payment in effect.

Mr. Armstrong reported that he had received the opinion of the Attorney General on who has the authority to waive the continuous service requirement for the Police Chief. He said he should be ready to discuss this at the next meeting. He asked that Attorney Linda Meier be present at that time.

Mr. Deer asked for an update on the speed study for Declaration Drive. He requested a formal speed study and reminded the Council that additional signage is needed. There is only one sign west bound, he said.

Concerning the corner of Main Street and Emerson Avenue, Starbucks is doing their own site work – grading and seeding. The Council has appropriated \$40,000 to move the utilities for the turn lane, and the City has to wait for the utilities timelines.

Mr. Armstrong mentioned that he read in the paper the County is considering reducing the speed limit on Emerson between Tracy Road and Pushville Road. He wondered if the same speed study could be used as when we annexed in that area. Ms. Koons-Davis said the objection would come from County people being used to do the work along our jurisdiction. She could contact the County to see if we could coordinate, she added.

Mr. Deer told the Council that he thought it would be appropriate to have a presentation on sewers, status and growth expected in the next 18 to 20 months. Mayor Henderson talked with the Engineering Department about an update, but doesn't know if the information would be ready for the next meeting.

Ms. Reed nominated Donnis Berry to continue as a member of the Police Merit Commission as Council appointment. Second by Mr. Armstrong. Vote: Ayes. Motion carried. Mr. Berry was reappointed.

Mr. Bates thanked the Police Department for putting up their speed sign on County Line Road between Shelby and State Road 135. He hopes this will be done regularly.

Ms. Myers told the Council she had received information from the Department of Commerce on a special census. Mayor Henderson had received the information as well and is considering whether the City should do a special census.

The City Attorney presented the compliance forms that were continued from the last meeting. First was Wilson Farms, Building One. In response to Ms. Reed, Ms. Koons-Davis mentioned that the building is only 50% occupied, which may explain the difference in the number of employees and the salaries. Pat Sherman added that the building was not occupied for the entire year. Mr. Deer moved to find Wilson Farms in substantial compliance, understanding that the application is reviewed each year. Second was by Mr. Bates. Vote: Ayes – Bates, Bless, Deer, Gibson, Hardin Reed; Nay – Armstrong. Motion carried.

For CK Partners, LLC, Mr. Deer moved to find them in substantial compliance. Second by Ms. Reed. Vote: Ayes. Motion carried.

Ms. Reed then moved to find Gerdt Enterprises, LLC in substantial compliance. Second by Mr. Gibson. Vote: Ayes. Motion carried.

Regarding Indiana American Associates, LLC, Building 3, Mr. Bates moved to find them in substantial compliance. Second by Mr. Bless. Vote: Ayes.

Mr. Sherman next gave a brief history of Indiana American Associates, Building 1 and Building 2. He asked the Council to give another year to market Building 2, considering the wages that were generated in the twin building, #1. Mr. Bates moved to find County Line Holding (Building 1) in substantial compliance. Second by Mr. Deer. Vote: Ayes. Motion carried.

Mr. Hardin then moved to find Indiana American Associates, LLC (Building 2) in substantial compliance, with comments included in next year's memo from the City Attorney. Second by Mr. Bates. Vote: Ayes – Reed, Bates, Bless, Deer, Gibson, Hardin; Nay – Armstrong. Motion carried.

For Building 4, Mr. Sherman explained that it is a little less than 50% occupied. It is a twin to Building 3, and they expect it to be fully occupied by the end of the year. Mr. Deer moved to find Indiana American Associates, LLC, Building 4 in substantial compliance. Second by Mr. Gibson. Vote: Ayes – Bates, Bless, Deer, Gibson, Hardin, Reed; Nay – Armstrong. Motion carried.

Allen Christy Associates, LLC was next. Mr. Bates moved to find them in substantial compliance. Second by Mr. Hardin. Vote: Ayes. Motion carried.

Mr. Sherman gave a history of the old Patillo building, which was sold to United Natural Foods. Ms. Reed moved to find United Natural Foods in substantial compliance. Second by Mr. Hardin. Vote: Ayes. Motion carried.

From the audience, Linda Gibson of Flags for Greenwood, described a project of fill and tie balloons for the Freedom Celebration – June 25th. Mayor Henderson indicated he has been working with a group of high school students, trying to start a Youth Council. They are looking for projects and might be more than willing to participate.

Marty Chitwood noted that it was the A.A.R.P. who had sent a notice for the public to take syringes to the Greenwood Police Department.

Mayor Henderson mentioned that he had distributed a letter from Insight Communications for their information only – there is no action required.

The Mayor announced that there will be an open house at the shooting range in the near future.

With no further business, the meeting adjourned at 8:30 p.m.